

ENTERED

January 10, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BOBBY RAY WILLIAMS,

Plaintiff,

v.

SHIRLEY F. TAYLOR,

Defendant.

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CIVIL ACTION No. H-18-0061

ORDER OF DISMISSAL

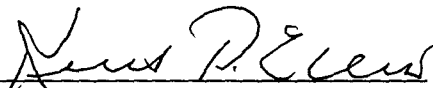
Plaintiff Bobby Ray Williams, a state inmate proceeding *pro se*, files this section 1983 lawsuit against prison corrections officer Shirley F. Taylor. Plaintiff claims that Taylor violated his Eighth Amendment rights by twice stopping him in the hallway to check him for contraband.

A district court may dismiss a lawsuit as malicious if it arises from the same series of events and alleges many of the same facts as an earlier suit. *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988). A review of the Court's docket shows that plaintiff's section 1983 lawsuit raising these same claims against this same defendant is pending in *Williams v. Taylor*, C.A. No. H-17-3517 (S.D. Tex.). The instant case must be dismissed as duplicative and malicious.

This lawsuit is **DISMISSED WITHOUT PREJUDICE AS MALICIOUS**. Any and all pending motions are **DENIED AS MOOT**. This dismissal constitutes a “strike” for purposes of section 1915(g).

The Clerk of Court is directed to provide a copy of this order to plaintiff. The Clerk will also provide a copy of this order by regular mail or e-mail to: (1) the TDCJ–Office of the General Counsel, P.O. Box 13084, Austin, Texas, 78711; and (2) Manager of the Three-Strikes List for the Southern District of Texas, at Three_Strikes@txs.uscourts.gov.

Signed at Houston, Texas, on this the 10th day of January, 2018.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE